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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,033	02/21/2002	David S. Vander Kooi		9566

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EXAMINER

ROSENBERG, LAURA B

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/082,033	VANDER KOOI ET AL.	
	Examiner	Art Unit	
	Laura B Rosenberg	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This office action is in response to the amendment filed on October 14, 2003, in which claims 1 and 6 were amended.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the embodiment of claims 6 and 7 with upper control arms above the forwardly extending portions of the stabilizer bar must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yarrow et al. (5,509,684) in view of Stuart (5,678,845). In regards to claims 1-3, 6, and 7, Yarrow et al. disclose an axle suspension system for a load-bearing vehicle (all

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vehicles bear loads) including first and second longitudinally extending frame members (#11) having rearward (right side in figure 1) and forward (left side in figure 1) ends comprising first and second mounting brackets (#22) secured to the first and second frame members, respectively, first and second lower (or upper) control arms (#14) having forward (near #22) and rearward (near #24) ends, pivotally secured at the forward ends (via #20, 22, 22A) to the first and second mounting brackets, respectively, and extending rearwardly therefrom, and first and second axle supports (#17) positioned rearwardly of the first and second mounting brackets, respectively. The rearward ends of the first and second lower (or upper) control arms are pivotally secured to the first and second axle supports (via #24, 29, 29A), respectively. An axle (#12) and wheel (not shown) assembly is operatively secured to the first and second axle supports (best seen in figures 1, 3, 4), and first and second air springs (#13) are operatively secured to the axle and wheel assembly (best seen in figure 1). Yarrow et al. do not disclose a stabilizer bar assembly. Stuart teaches an axle suspension system for a load-bearing vehicle including first and second longitudinally extending frame members (#15) having rearward (right side in figure 2) and forward (left side in figure 2) ends comprising first and second mounting brackets (#17) secured to the first and second frame members, respectively, and first and second axle supports (#23) positioned rearwardly of the first and second mounting brackets, respectively. An axle (#19) and wheel (not shown) assembly is operatively secured to the first and second axle supports (best seen in figure 2), and first and second air springs (#33) are operatively secured to the axle and wheel assembly (best seen in figure 2). The axle

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suspension system further comprises a stabilizer bar assembly (#11, 41) including an elongated, generally transversely extending base portion (#45) having first and second generally forwardly extending end portions (#43) at opposite ends thereof, the end portions having forward ends (#49). The first and second forwardly extending end portions (#43) of the stabilizer bar assembly are pivotally connected (via #47, 55, 57; best seen in figure 3) at their forward ends (#49) to the first and second mounting brackets (#17), respectively. The base portion (#45) of the stabilizer bar assembly is pivotally connected, via resilient bushings (#63, 65) to the first and second axle supports (column 3, lines 35-39). Further, the first and second forwardly extending end portions (#43) of the stabilizer bar assembly each extend outwardly from the axle support (#23), thence forwardly, thence inwardly and forwardly, and thence forwardly towards the mounting bracket (#17). It would have been obvious to one skilled in the art at the time that the invention was made to modify the axle suspension system of Yarrow et al. such that it comprised a stabilizer bar as claimed in view of the teachings of Stuart so as to provide roll stability without increasing the vertical rate of the suspension system when both wheels of the axle move simultaneously with respect to the vehicle frame (Stuart: column 2, lines 4-8). Further, it would have been an obvious matter of design choice in determining the location of the first and second control arms above or below the stabilizer bar so as to provide a versatile suspension, which could accommodate various vehicle configurations.

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5. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yarrow et al. (5,509,684) in view of Stuart (5,678,845), further in view of Paul (4,146,249). In regards to claims 4 and 5, Yarrow et al. do not disclose a stabilizer bar assembly. Paul teaches an axle suspension system for a load-bearing vehicle including first and second longitudinally extending frame members (#11) comprising a stabilizer bar assembly (#7) including an elongated, generally transversely extending base portion (#18) having first and second generally forwardly extending end portions (#8) at opposite ends thereof. The stabilizer bar assembly extends inwardly and forwardly from its pivotal connection (#12) on one side of the vehicle, thence outwardly and rearwardly to its pivotal connection (#12) on the opposite side of the vehicle (only one side shown in the figure). It would have been obvious to one skilled in the art at the time that the invention was made to modify the axle suspension system of Yarrow et al. such that it comprised a base portion of a stabilizer bar assembly with a specific configuration as claimed in view of the teachings of Paul so as to provide great preciseness of the wheel guidance as well as high comfort for the passengers (Paul: column 2, lines 25-29).

Response to Arguments

6. The applicant's explanation with respect to claims 6 and 7 has provided the examiner with enough information to apply a prior art rejection to claims 6 and 7.

7. In response to applicant's arguments regarding the drawing objection, the examiner has maintained the drawing objection because 37 CFR 1.83(a) requires that the drawings show every feature of the invention specified in the claims.

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8. In response to applicant's argument that the examiner has not considered the applicant's claimed invention as a whole, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Thus, the examiner need not find a prior art reference that incorporates all of the features of the claimed invention for the rejection to be comprehensive and to provide motivation for combining references.

9. In response to applicant's arguments on page 9 that "if Yarrow and Stuart could be combined in the manner suggested, the combination would not work", there is no reason that the stabilizer bar of Stuart could not properly function in combination with the control arms of Yarrow et al.

10. In response to applicant's arguments on page 9 (second paragraph), for clarification purposes, claim 1 does not cite "first and second upper control arms".

11. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "one set of the legs of the parallelogram system is a stabilizer bar"; page 9) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B Rosenberg whose telephone number is (703) 305-3135. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

LBR

Laura B. Rosenberg

Paul N. Dickson 12/29/07
PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
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